IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI CENTRAL DIVISION

ANTONIO WEBB,)	
Plaintiff,)	
v.) No. 07-4017-CV-C-N	NKL
STEVE SMARTWOOD, et al.,)	
Defendants.)	

ORDER

On November 1, 2007, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims against defendant Jackie Tratchel. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on November 26, 2007, and the reply filed by defendant Tratchel on December 5, 2007. In his exceptions, plaintiff requests additional time to research whether defendant Tratchel was acting under color of state law. This issue was raised in defendant's motion to dismiss, which was filed on June 13, 2007. Plaintiff was given an extension of time to respond to the motion, and should have had the opportunity to research and address this issue prior to filing his response to the motion to dismiss on October 3, 2007. He had more than three months to do so. Plaintiff has not submitted objections to the factual or legal matters set forth in the report and recommendation, or otherwise indicated that an addition ten to twenty days will permit him to do so. The issues were adequately addressed in the report and recommendation and the court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of November 1, 2007, is adopted. [61] It is further

ORDERED that defendant Tratchel's motion of June 13, 2007, to dismiss is granted and plaintiff's claims against defendant Tratchel are dismissed. [29]

<u>/s/</u>

NANETTE K. LAUGHREY United States District Judge

Dated: January 11, 2008 Jefferson City, Missouri